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09/921,024	08/02/2001	Charles R. Weirauch	10971523-4	8145

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EXAMINER

DINH, TAN X

ART UNIT

PAPER NUMBER

2653

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Number: 09/921,024  
Filing Date: August 02, 2001  
Appellant(s): WEIRAUCH ET AL.

**MAILED**

**OCT 26 2005**

**Technology Center 2600**

AUGUSTUS W. WINFIELD  
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/19/2005 appealing from the Office action mailed 5/12/2005.

(1) Real Party in Interest.

A statement identifying by name the real party in interest is contained in the brief.

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(2) Related Appeals and Interferences.

There are not related appeals or interferences.

(3) Status of Claims.

The statement of the status of claims contained in the brief is correct.

Claims 3 and 4 are rejected and on appeal.

(4) Status of Amendments After Final.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter.

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal.

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The rejection of claims 3 and 4 under 35 USC § 112, first paragraph.

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(8) Claims Appendix.

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Evidence Relied Upon.

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(10) Grounds of Rejection.

The following ground(s) of rejection are applicable to the appealed claims:

Claim 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by CURTIS et al ( 5,233,576 ).

CURTIS et al discloses a data storage medium as claimed in claim 3 comprises data stored in the form of data structure, the data structure including a header, the header including a bit specifying control of reading part of the data structure ( Fig.4, the data of sector formed data structure (PREAMBLE 402, SYNC 404, SECTOR NUMBER 406, DATA AREA 408 and CRC 410). See also column 3, lines 35-60. In this case, a storage state bit is located in each sector, the storage state bit indicated the medium is read-only or writable and set a suitable reading process thereafter, this storage state bit is located in the header of data structure of sector (see

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figure 2, the storage state bit is located on sector mark field which is the header of data structure of each sector, see also column 3, lines 54-60)).

As to claim 4, CURTIS et al shows the header including a bit specifying control overwriting the data structure ( column 3, lines 36-53. In this case, the storage state bit indicated the medium is read-only or MO (magneto-optical storage medium), the MO is writable, erasable and rewritable storage medium ).

(11) Response to Argument.

Applicant states that the reference of CURTIS et al " do not teach or suggest that a storage state bit specifies control of reading of part of the sector ". This is not found persuasive.

The invention of CURTIS et al detects the "storage state bit" and setting an operation modes in response thereafter. If it is detected that the "storage state bit" indicates read only, the operation is changed to read only mode (column 4, lines 40-49) to read data recorded on the sector. This teaching meet the phrase " a bit specify control of reading part of the data structure " as claimed. It is noted that, the phrase "control of reading " in the claims in not limiting to (i) prohibiting reading of data, (ii) does not mean whether or not data "can be read " and (iii) " control of reading " can simply mean going to read mode after reading the bit.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



TAN XUAN DINH  
October 24, 2005

Conferees:

WK, William Korzuch, SPE, AU.2653.

WY, Wayne Young, SPE, AU.2655.